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similarly-situated individuals

FILED
LOS ANGELES SUPERIOR COURT

DEC 12 2008

JOHN A. CLARKE, CLEBK

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BY ELMER SABALBURO, DEPUTY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES
CENTRAL CIVIL WEST**

DANIEL E. WEIDLER, MICHAEL F. YEZBACK,
ELOISE GARCIA, ANGIE DURON, individually and
on behalf of a class of all similarly-situated individuals,

Plaintiffs,

v.

CIRCUIT CITY STORES, INC.; and DOES 1 through
100, inclusive,

Defendants.

) Case No.: BC 369 011
) [Assigned to Hon. Victoria Chaney,
) Dept. 324, Civil Central
) West-Complex Designation]
) [Related to Case Nos. BC 368973 and
) BC 389968]
)
) **[PROPOSED] ORDER**
) **GRANTING FINAL APPROVAL**
) **OF CLASS ACTION**
) **SETTLEMENT AND FINAL**
) **JUDGMENT**
)
) Date: December 12, 2008
) Time: 10:00 a.m.
) Dept.: 324
)
) Complaint Filed: April 4, 2007
)

The motion of Plaintiffs Daniel E. Weidler, Michael F. Yezback, Eloise Garcia, and Angie Duron, on behalf of the Settlement Class as defined below, for an order granting final approval of the class action settlement came on for hearing on December 12, 2008 at 10:00 a.m. in Department

1 324 of the above-entitled Court, the Honorable Judge Victoria G. Chaney, presiding. After
2 reviewing all the papers submitted in connection with the motion, the oral argument of counsel, and
3 good cause having been shown thereby, IT IS HEREBY ORDERED:

4 1. The Court has jurisdiction over the subject matter and all parties to this action,
5 including the Settlement Class;

6 2. The Court hereby grants final approval of the Settlement on the terms stated in the
7 in the Joint Stipulation of Settlement Agreement and Release of Class Action Claims, subject to the
8 further administration of said settlement in the bankruptcy proceeding. The Court finds that the
9 terms are fair, reasonable and adequate pursuant to California Code of Civil Procedure section 382;

10 3. The Court hereby certifies a class for settlement purposes consisting of: All persons
11 who were employed by Circuit City in California and who were at least forty (40) years of age as of
12 March 28, 2007, and whose employment with Circuit City was terminated on or about March 28,
13 2007 or shortly thereafter;

14 4. The Court orders the appointment of Daniel E. Weidler, Michael F. Yezback, Eloise
15 Garcia, and Angie Duron as the Class Representatives;

16 5. The Court orders the appointment of Nathan Goldberg and Michael Maroko of
17 Allred, Maroko & Goldberg and David M. deRubertis of The deRubertis Law Firm as co-class
18 counsel;

19 6. The Court approves claims administration costs of CPT Group, Inc. in an amount not
20 less than \$13,000 and not to exceed \$50,000 from the settlement funds, the final amount to be
21 determined after CPT Group, Inc. determines what additional work must be done to administer the
22 settlement through the Bankruptcy Court;

23 7. The Court hereby awards incentive payments of \$15,000 to be paid to each named
24 Plaintiff from the settlement funds;

25 8. The Court hereby awards Plaintiffs' counsel, Allred, Maroko & Goldberg and The
26 deRubertis Law Firm, attorneys' fees and costs of 25% of the maximum settlement fund in the
27 amount of \$3,750,000.

28

9. The Court hereby dismisses Plaintiffs' claims against Defendants with prejudice.

2 10. The Court hereby orders that class members who did not timely exclude themselves
3 from the settlement have released their claims against Defendants as set forth in the Joint Stipulation
4 of Settlement Agreement and Release of Class Action Claims.

5 11. The Court hereby directs that the Clerk of the Court enter the Court's order as a final
6 judgment; and,

7 12. The Court hereby orders that, without affecting the finality of the final judgment, it
8 reserves continuing jurisdiction over the parties for purposes of implementing, enforcing and/or
9 administering the Settlement or enforcing the terms of the Judgment but only to the extent that such
10 action is so ordered or permitted by the United States Bankruptcy Court Eastern District of Virginia
11 (Richmond Division).

IT IS HEREBY ORDERED, ADJUDGED AND DECREED.

14 Dated: 12/12/08 The Honorable Victoria G. Chaney
15 Judge of the Los Angeles Superior Cour